IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12121 of 2004

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Between:

Suraram Village Development Association rep., by its

President Md.Yousufuddin, s/o Sherfuddin,
r/o H.No.1-107, Suraram Village, Qutubullapur Mandal,

Ranga Reddy District.

..... PETITIONER

AND

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1 District Collector, Ranga Reddy District, Hyderabad.
2 Mandal Revenue Officer, Qutubullapur Mandal,

Ranga Reddy District.
3 Viswakarma Weaker Section Welfare Association rep.,

by its Secretary Ch. Hanumanth Rao, r/o 4-7-1018,

Isamia Bazar, Hyderabad.
4 The Commissioner, Qutubullapur Municipality,
Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ order or direction declaring the proceedings of the First Respondent i.e., District Collector, Ranga Reddy District under Proceedings No.E5/5173/01 dt.14-6-2004, as illegal, arbitrary and unjust and without proper enquiry as directed in WP No.13603/2001 dt.19-7-2002 and WP No.12803/2003 dt.7-7-2003 and consequently direct the First respondent to take immediate necessary action/steps for cancelling the Pattas given to ineligible candidates of the Third Respondent Association and to allot those Pattas to the eligible candidates of the Petitioner Association in Survey No.190 of Suraram

Village, Qutubullapur Mandal, Ranga Reddy District

Counsel for the Petitioner: MR.M.S.N.PRASAD

Counsel for Respondents 1 & 2: GP FOR REVENUE

Counsel for Respondent No.3: --

Counsel for respondent No.4: --

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for

Revenue for respondents 1 and 2. Both have no objection for disposal of the writ petition at the admission stage.

The members of the petitioner association, namely, Suraram Village Development Association state that they have made a representation during the year 1990 to the respondents 1 and 2 requesting for allotment of house-sites in the Government land in S.No.190 situated at Suraram Village, Qutubullapur Mandal, Ranga Reddy District. When the said representation was pending, the third respondent association approached the respondents 1 and 2 seeking assignment of house-sites to its members and also filed W.P.No.860 of 1993, which was disposed of on 14-12-1993 directing respondents 1 and 2 to consider their representation for allotment of house-sites, subject to the eligibility criteria of the members. At that juncture, petitioner filed W.P.14882 of 1999 seeking to conduct enquiry into the matter to allot pattas in favour of the petitioner-association by cancelling the pattas already given, and to allot the same to the members of the petitioner association, which was disposed of by this court on 6-4-2001 directing the respondents 1 to 3 therein to consider the representation of the petitioner-society and if there are eligible members in the petitioner-society, their request for assignment may be considered on merits along with other eligible assignees, if the Government land is available for assignment. The said fact was brought to the notice of the respondents by the petitioner-association by filing a detailed representation dated 21-5-2001 enclosing the list of eligible members of the petitioner association. Since the ineligible members of the third respondent association started construction of houses, the petitioner again filed W.P.No.13603 of 2001 to consider the representation dated 21-5-2001 and this court by order dated

19-7-2002 directed the first respondent to consider the representation dated 21-5-2001 said to have been filed by the members of the petitioner association and to dispose of the same in accordance with law after giving opportunity to the parties. It appears that the third respondent also filed W.P.No.12803 of 2003 to direct the

Commissioner Qutubullapur municipality to receive the plans being submitted by the members of their association and to sanction permissions for construction, as they are already granted house-site pattas in the year 1998 and wanted to proceed with the construction. The said writ petition was disposed of on 7-7-2003 directing the District Collector, first respondent to examine the matter and to pass appropriate orders in accordance with law, in the light of the orders passed by this court in W.P.No.13603 of 2001 filed by the petitioner association herein.

In view of the various orders passed by this court, the District Collector by the impugned proceedings dated 14-6-2004 directed the petitioner association herein to submit the list of eligible beneficiaries to the Deputy Collector and Mandal Revenue Officer, Qutubullapur Mandal, for enquiry and to take necessary action. If any eligible beneficiaries are found after enquiry, they will be given patta certificates subject to availability of Government land and that direction to the Commissioner, Qutubullapur Municipality to take necessary action on the eligibility list furnished by the Deputy Collector and Mandal Revenue Officer, Qutubullapur Municipality to whom pattas were already issued. The legality and validity of the above order is challenged in the present writ petition contending that without examining the issue that the petitioner-association submitted a representation dated 21-5-2001 wherein list of eligible members were enclosed, the District Collector passed the impugned order without giving any opportunity to the petitioner association before passing the impugned order and the first respondent has not considered the various directions issued by this court on the writ petitions filed by the petitioner.

Learned counsel for the petitioner reiterated the same submission stating that before passing the impugned order, petitioners were not given an opportunity in the writ petition filed by the petitioner earlier in W.P.No.860 of 1993 which was disposed of directing to consider the representation subject to the eligibility criteria of the members of the petitioner-association.

In the W.P.No.13603 of 2003 this court only directed the District Collector to consider the representation made by the petitioner dated 21-5-2001 and the same should be disposed of in accordance with law. In W.P.No.14882 of 1999 filed by the petitioner association the petitioner association sought for a direction to enquire into the allotment of pattas in favour of the alleged members of the fifth respondent society therein regarding their genuinity, eligibility and existence of persons and take appropriate action for cancellation. But this court while disposing of the writ petition only directed to consider the representation of the petitioner association for assignment, if there are eligible members in the petitioner association, on merits along with other eligible assignees, if the Government land is available for assignment.

In view of the same, direction is issued by this court in W.P.No.13603 of 2003 to conduct enquiry into the representation dated 21-5-2001 must be necessarily inconsonance with the orders passed by this court in W.P.No.14882 of 1999. In view of the same, the submission made by the learned counsel for the petitioner that house-sites granted to the members of the third respondent association are to be cancelled in the light of the representation made by the petitioner dated 21-5-2001, cannot be accepted. It is always open for the petitioner to submit list of the members of the petitioner association, who are eligible for grant of house-site pattas. On filing of such list of eligible members, the respondent shall consider the same and pass appropriate orders, if the Government land is available in the light of the directions issued by the Collector in his proceedings dated 14-6-2004.

With the above direction, the Writ Petition is disposed of at the admission stage.

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A. Gopal Reddy, J.

28th September, 2004.

Js.

ASSISTANT REGISTRAR

To

1 District Collector, Ranga Reddy District, Hyderabad.
2 Mandal Revenue Officer, Qutubullapur Mandal,

Ranga Reddy District.
3 Mr. Ch. Hanumanth Rao, Secretary, Viswakarma

Weaker Section Welfare Association rep., r/o 4-7-1018,

Isamia Bazar, Hyderabad.
4 The Commissioner, Qutubullapur Municipality,
Ranga Reddy District.

5 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

6 2 CD copies.